

REMARKS

Claims 1, 28 and 30 have been amended. Claims 1-4, 9-18, 28, 30-32 and 36-38 remain pending in the present application. Applicant reserves the right to pursue the original and any other claims in this and other applications.

Claims 1-4, 10-18, 28, 30-32 and 36-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harlow in view of Brennan. The rejection is respectfully traversed.

Claim 1 recites a telecommunication device having a processor capable of "identifying a dialed telephone number associated with [a] call [for a user], . . . [and] using the dialed telephone number to retrieve from a storage medium a first telephone number, a second telephone number and at least one user preference, each of which being associated with the user." Claim 1 further recites "using the at least one retrieved user preference to dial the first telephone number to form a first communication path between said processor and the first telephone number and dial the second telephone number to form a second different communication path between said processor and the second telephone number substantially simultaneously, wherein said processor holds the call for a predetermined time until it is determined that the user has answered a device associated with one of the first or second telephone numbers, . . . [and] authenticates the answered device before forming a completed physical circuit connection between the calling device and the answered device by connecting the calling device to the formed communication path connected to the answered device." Applicant respectfully submits that the cited combination fails to disclose, teach or suggest the claimed invention.

Applicant respectfully submits that the architecture of Brennan relates to a single communication path switch call, meaning that when Brennan transfers a call to a

remote device, the physical circuit from the calling party to the called party is connected and complete. Although, in Brennan the calling party cannot communicate with the called party until the system verifies that the caller is on the line, the physical Brennan connection is complete.

In response to this argument, the Office Action takes the position that that there is more than one way to interpret how to complete a call. (Office Action at 6). The Office Action interprets a complete circuit to mean a "talk path" is established between a calling party and a called party. *Id.* at 6 and 7. A "talk path" connection, however, is not the completed circuit connection recited in claim 1. Instead, Claim 1 refers to the completed physical circuit connection between the two formed communication paths that occurs after the call is authenticated. The claimed invention connects the held call to the authenticated communication path (two separate connections) to form a completed physical circuit connection. In Brennan, however, the physical connection is established before authentication. This connection would still be there even if the "talk path" was not subsequently established. This is a major difference between Harlow, Brennan and the claimed invention. In an effort to clarify this distinction, however, Applicant has amended claim 1.

The claimed invention employs multi-communication paths that do not connect the inbound call immediately to the remote devices. The claimed invention holds the call in a wireless connect unit (i.e., processor) until the call has been authenticated. Thus, the calling party in the claimed invention is not physically connected to the called party (i.e., remote device) until the claimed invention electronically switches the calls together to form a single circuit. In other words, the physical circuit from the calling party to the called party is not connected or completed until the user authenticates the call via the answered device. Combining Harlow with Brennan, as suggested by the Office Action, does not teach or suggest this connection.

Applicant also respectfully submits that Harlow and Brennan do not teach or suggest "identifying a dialed telephone number associated with [a] call, . . . [and] using the dialed telephone number to retrieve from a storage medium a first telephone number, a second telephone number and at least one user preference, each of which is associated with the user" (i.e., the called party). In regards to this feature, the Office Action takes the position that Harlow refers to a first inbound call to an elderly person and a second inbound call to a relative or neighbor and thus allegedly teaches or suggests this limitation. (Office Action at 6). Applicant respectfully disagrees. The claimed invention, in one aspect, relates to calling a single user using multiple communication paths and devices; not calling multiple users via multiple communication paths, as is described in the Office Action. In the claimed invention, "[the] first telephone number, [the] second telephone number, and [the] at least one user preference" are all "associated with the [one] user." Applicant respectfully submits that the cited combination also fails to teach or suggest this feature. This is another reason the claim is allowable.

Accordingly, the combination of Harlow and Brennan fails to render obvious a telecommunication device that "[identifies] a dialed telephone number associated with [a] call, . . . [and uses] the dialed telephone number to retrieve from a storage medium a first telephone number, a second telephone number and at least one user preference, each of which being associated with the user," or a device that "holds [a] call for a predetermined time until it is determined that a user has answered a device associated with one of the first and second telephone numbers, . . . [and] authenticates the answered device before forming a completed physical circuit connection between the calling device and the answered device by connecting the calling device to the formed communication path connected to the answered device."

Moreover, Applicant respectfully submits that it would not have been obvious to one of ordinary skill in the art to combine the teachings of the cited prior art to achieve a telecommunication device having a processor for establishing communication with one or more of a plurality of devices with a single telephone number. One of ordinary skill would not have looked to a local telephone switching system (Harlow) to combine it with a system that serves as a personal communication service (Brennan) to achieve a telecommunication device for establishing communication with one or more of a plurality of devices associated with a single telephone number and user. Thus, Applicant respectfully submits that it is improper to combine the references in the manner suggested by the Office Action.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in the references themselves. In re Fine, 837 F.2d 1071, 5 USPQ.2d 1596 (Fed. Cir. 1988). The Federal Circuit requires that, in order to prove that a claim is obvious in light of two or more prior art references, a teaching, suggestion or motivation to combine the two must be shown. Teleflex v. KSR Intl. Co., 119 Fed. Appx. 282 (Fed. Cir. 2005). There is no suggestion or motivation in any of the references for combining them to arrive at the claimed invention. In fact, Harlow and Brennan are two entirely different systems. The Office Action is using impermissible hindsight by using the claims of the present invention as a road map to improperly combine the references. See Ex parte Clapp, 227 U.S.P.Q. 972, 973 (Bd. App. 1985); M.P.E.P. §2144.

Hence, the inventions of Harlow, Brennan and the present application are patentably distinct. The cited references, whether considered alone or in combination, fail to disclose, teach or suggest the features of the claim 1 invention and would not

render claim 1 obvious. Claims 2-4 and 10-18 depend from claim 1 and are allowable along with claim 1.

Claim 28 recites a method of providing telecommunications to a user of a communication network comprising the steps of "using [an] identified extension to retrieve a first communication device number associated with the first communication device [associated with a user], a second communication device number associated with the second communication device [associated with the user], and at least one user preference associated with the user." The method also comprises "determining if the first communication device answered the first call or if the second communication device answered the second call; and if the first or second call is answered and authenticated, routing the received communication to the authenticated answering device by connecting the received communication to the formed communication path associated with the answering device via a completed physical circuit connection."

Similarly, claim 30 recites a method of providing telecommunications to a user of a communication network comprising the steps of "retrieving, based on the identified communication device number, a first communication device number, a second communication device number and at least one user preference, each of which being associated with the user." Claim 30 further recites "routing, using the retrieved at least one user preference, each of which is associated with the user, [a] communication to at least two destination communication numbers substantially simultaneously, wherein the at least two destination communication numbers are selected from the group including the retrieved first and second communication numbers and a voice mailbox number, and wherein the act of routing the communication comprises forming a first communication path to the first communication device number and a second communication path to the second communication device number." In addition, claim 30 further comprises "determining

if one of the destination communication numbers has been answered; and if it has been determined that one of the destination communication numbers has been answered, requesting information from the user before routing the held communication through the formed communication path associated with the answered destination communication number via a completed physical circuit connection.” For at least the reasons set forth above, Applicant submits that claim 30 is allowable over Harlow and Brennan. Claims 31, 32 and 36-38 depend from claim 30 and are allowable along with claim 30.

For at least the reasons set forth above, Applicant respectfully submits that the cited combination fails to teach or suggest all of the limitations of the claimed invention. Nor would it would have been obvious to one of ordinary skill in the art at the time of invention to combine the cited references to achieve the claimed invention. Accordingly, Applicant respectfully requests that the rejection be withdrawn and that claims 1-4, 10-18, 28, 30-32 and 36-38 be allowed.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Harlow in view of Brennan and further in view of Swan. The rejection is respectfully traversed.

Claim 9 depends from claim 1, and thus recites a telecommunication device having a processor capable of “identifying a dialed telephone number associated with [a] call, . . . [and] using the dialed telephone number to retrieve from a storage medium a first telephone number, a second telephone number and at least one user preference, each of which being associated with the user.” The device further recites “using the at least one retrieved user preference to dial the first telephone number to form a first communication path between said processor and the first telephone number and dial the second telephone number to form a second different communication path between

said processor and the second telephone number substantially simultaneously, wherein said processor holds the call for a predetermined time until it is determined that the user has answered a device associated with one of the first or second telephone numbers, . . . [and] authenticates the answered device before forming a completed physical circuit connection between the calling device and the answered device by connecting the calling device to the formed communication path connected to the answered device."

As demonstrated above, Harlow and Brennan do not teach or suggest such a telecommunication device. Swan is cited by the Office Action as teaching a caller of the telephone call was prompted with a menu of call destination options and the call is routed to at least one destination telephone number in accordance with an option selected by the caller. (Office Action at 5).

Even assuming this statement to be correct, Swan does not teach or suggest a telecommunication device having a processor capable of "identifying a dialed telephone number associated with [a] call, . . . [and] using the dialed telephone number to retrieve from a storage medium a first telephone number, a second telephone number and at least one user preference, each of which being associated with the user," and "using the at least one retrieved user preference to dial the first telephone number to form a first communication path between said processor and the first telephone number and dial the second telephone number to form a second different communication path between said processor and the second telephone number substantially simultaneously, wherein said processor holds the call for a predetermined time until it is determined that the user has answered a device associated with one of the first or second telephone numbers, . . . [and] authenticates the answered device before forming a completed physical circuit connection between the calling device and

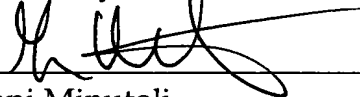
the answered device by connecting the calling device to the formed communication path connected to the answered device."

Therefore, even adding the teachings of Swan to the Harlow and Brennan combination, the cited references fail to disclose, teach or suggest all features of the claim 9 invention. Accordingly, Applicant respectfully requests that the rejection be withdrawn and the claim allowed.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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